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09/746,507	12/26/2000	Gary J. Dennis	BS99-202	9792

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EXAMINER

DIXON, THOMAS A

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 06/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/746,507

Applicant(s)

DENNIS ET AL.

Examiner

Thomas A. Dixon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment / Arguments***

1. The request filed on 3/13/03 for Continued Examination (RCE) based on parent Application No. 09/746,507 is acceptable and an RCE has been established. An action on the RCE follows.
2. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the feature upon which applicant relies appears to be the existence of a "dispatch of a technician by a dispatch division," the customer service representatives of Rutkowski et al are seen to perform this function and are therefore equivalent as they process the requests of subscribers, see column 3, lines 10-24 to acquire customer data, see column 3, lines 25-65, and deploy a technician, see column 1, lines 28-34 and column 5, lines 54-54 and column 9, lines 9-36.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 7-13 16-19, 22, 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Rutkowski et al (5,826,270).

As per Claims 1 and 11.

Rutkowski et al ('270) discloses:

a receiving information related to a problem experienced by a customer, see column 3, lines 11-65 and column 1, lines 47-49;

deploying a technician, see column 3, lines 11-24 and column 1, lines 28-34 and column 5, lines 54-54 and column 9, lines 9-36;

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the technician receiving a request from the customer for a transaction different from the problem, see column 1, lines 19-49 and column 9, lines 9-26;

the technician having a computer that receives account information related to the customer from the company over a communications network, see column 5, lines 57-61, column 12, lines 26-59 and column 14, lines 25-43;

wherein the technician uses the information related to the customer to generate a customer request and communicates the customer's request to the company using the communications network, wherein the technician uses the computer to communicate the customer's request to the dispatch division, see figure 1 (305, 345), column 5, lines 54-64, column 12, lines 26-59 and column 14, lines 25-43.

As per Claims 2, 9, 10, and 18-19.

Rutkowski et al ('270) further discloses the company receives the request and automatically processes the request and modifies the customer's account, see column 5, lines 54-64.

As per Claims 3 and 12.

Rutkowski et al ('270) further discloses the communications network is wireless, see column 9, line 49 – column 10, line 6.

As per Claims 4 and 13.

Rutkowski et al ('270) further discloses the communications network is a wire line, see column 9, line 65 – column 10, line 6.

As per Claims 7 and 16.

Rutkowski et al ('270) further discloses the transaction includes the sale of a service, see column 9, lines 9-23.

As per Claims 8 and 17.

Rutkowski et al ('270) further discloses the transaction includes the sale of a product, see column 9, lines 9-23.

As per Claims 22, 25.

Rutkowski et al ('270) further discloses the use of an Automatic Number Indicator interface which automatically generates information, see column 3, lines 62-65.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-7, and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rutkowski et al (5,826,270) in view of Peters et al (5,696,906) and FieldCentrix....

As per Claim 5.

Rutkowski et al ('270) further discloses the system may convert the message into a format readable by other devices, see column 9, lines 27-36.

Rutkowski et al ('270) does not specifically disclose email sent to the technician's supervisor.

Peters et al ('906) discloses enabling ancillary services such as email services in a cable television system, see abstract and FieldCentrix teaches sending email to the Sales department for the benefit of providing an integrated computer system for account management.

The limitation of sending to the Supervisor is seen to be non-functional descriptive material which will not distinguish the invention from the prior art in terms of patentability, see In re Gulack 703 F.2d 1381, 1385, 217 USPQ 401, 101 (Fed. Cir. 1983).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to email a message to the Sales department as taught by Peters et al ('906) and FieldCentrix or to any other recipient in the invention of Rutowski et al ('270) to produce an integrated computer system for account management.

As per Claims 6-7 and 14-15.

Rutkowski et al ('270) further discloses the system may convert the message into a format readable by other devices, see column 9, lines 27-36.

Rutkowski et al ('270) does not specifically disclose email.

Peters et al ('906) discloses enabling ancillary services such as email services in a cable television system, see abstract and FieldCentrix teaches sending email to the Sales department for the benefit of providing an integrated computer system for account management.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to email a message as taught by Peters et al ('906) and FieldCentrix in the invention of Rutowski et al ('270) to produce an integrated computer system for account management.

6. Claims 20- 21 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rutkowski et al (5,826,270) in view of Ullrich et al (5,583,937).

As per Claims 20, 23.

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Rutkowski et al ('270) does not specifically disclose a list of products, services or features.

Ulrich et al ('937) teaches a computer generated menu of products available to subscribers, see column 4, line 51 – column 5, line 14, for the benefit of offering nearly on-demand programming to take advantage of impulse purchases.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to modify the invention of Rutowski et al ('270), if necessary, to display a list of products available to take advantage of impulse purchases.

As per Claims 21, 24.

Rutkowski et al ('270) does not disclose at list of products, services or features based on information related to the customer.

Ulrich et al ('937) teaches a computer generated menu of products available to subscribers, see column 4, line 51 – column 5, line 14, and monitoring account data, see column 6, lines 31-40 for the benefit of offering nearly on-demand programming to take advantage of impulse purchases while taking the limitations of the account into consideration.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to modify the invention of Rutowski et al ('270), if necessary, to display a list of products available based on information related to the customer to take advantage of impulse purchases while taking the limitations of the account into consideration.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (703) 305-4645. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

A handwritten signature in black ink, appearing to read 'Thomas A. Dixon', with a stylized flourish at the end.

Thomas A. Dixon  
Examiner  
Art Unit 3629

June 5, 2003